*Sri S. SRINIVASA IYENGAR.—For the issue of a licence, they have laid down certain rules. In the rules they so have, if an uncertified film is exhibited, then the licence can be revoked by amending the rules. They can achieve the result. What I want to know is whether the licence of an exhibitor who exhibits an uncertified film can be revoked. If that is the object, they can do so by amending the rules.

Sri H. SIDDAVEERAPPA.—As a matter of fact, I have yet to examine whether it could be done by the rules. It is only a substantial law as could be seen from the Central Act. There must be a clause for punishment if there is a breach. It cannot be done by rules. I have got my own doubt about it. I therefore feel that this clause is very essential. I pray that the House may be pleased to give its approval.

Mr. SPEAKER.—The question is :

"That the Mysore Cinemas (Regulation) (Amendment) Bill, 1955, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Now I will put the clauses to vote. Clause 2.

The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. SPEAKER.—Clause 1, Title and Preamble.

The question is :

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri H. SIDDAVEERAPPA.—I beg to move :

"That the Mysore Cinemas (Regulation) (Amendment) Bill, 1955, be passed."

Mr. SPEAKER.—The question is

"That the Mysore Cinemas (Regulation) (Amendment) Bill, 1955 be passed."

The motion was adopted.

MYSORE TRAFFIC CONTROL BILL, 1955.

Motion to consider.

Sri H. SIDDAVEERAPPA (Minister for Home).—

Sir, I beg to move :

"That the Mysore Traffic Control Bill, 1955, be taken into consideration.

Sir, this is an important measure brought about with a view to see that accidents on the roads due to the increased vehicular traffic are, as far as possible, effectively controlled and checked. The Law today, as it is, provides for regulation and control of traffic in various enactments. Broadly speaking, it is in the Municipal Acts that we find a provision for regulation of traffic. It can be seen in the Mysore Municipalities Act, the City of Bangalore Municipal Corporation Act, and the Mysore Town Municipalities Act, and also some provisions under the Police Act. There is provision for regulation of traffic. It has been found that these Acts do not provide effective control and regulation of traffic. Subsequently, we find the vehicular traffic has increased, the number of buses, cars, lorries and various other pedestrian things has increased and for want of proper check, we find a large number of accidents happening. It is very necessary that three essential matters will have to be effectively safeguarded, namely, enforcement, engineering and education. Today, we have not got any rules in this behalf. If I may illustrate one point, a man who goes on a bicycle, if he takes any weight on the bicycle, he may carry almost all his daily belongings on it. There is nothing in the law which gives effective control and ask him not to do it. Likewise, even in the pedestrian traffic and various other

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things. It was examined and found that, in view of the fact that various Municipalities have differing bye-laws on this subject, it will be necessary that the State Government takes power under this Act in order to frame rules to regulate and control traffic. It is with this object in view, this Bill has been introduced. If one sees the clauses of this Bill, it is clear that the definition clause is fairly exhaustive. It includes the definition given under the various Municipal Acts. Under clause 3, the Government wish to take powers for framing rules for regulating the use of roads in any public places and the closing thereof or part thereof and also for the regulation of all kinds of traffic in any public place.

Under clause 4, it is incumbent on the part of the Government to publish all the rules in the Gazette. Clause 5 is a penalty clause which provides rule making power for imposing penalty for any breach thereof. Under clause 6, the Government is authorised to cause or permit traffic signs and various other things to be created. In clause 7, we have equally provided that the existing bye-laws may be continued until such time as the Government suitably amends them. I find, Sir, that this Bill is very necessary if we have to safeguard human lives from the various accidents that happen, especially, in big cities and busy places like Bangalore. I find this Bill is necessary in the interests of the public. I pray, the House may be pleased to accord its approval. I may also mention for the information of the House that this Bill is modelled on the lines of the Madras Traffic Control Act under which the Government of Madras has framed rules for regulating traffic in that State.

MR. SPEAKER.—Motion moved.

"That the Mysore Traffic Control Bill, 1955 be taken into consideration."

*SRI S. SRINIVASA IYENGAR (T.-Narsipur).—Sir, I oppose this Bill. The local authorities have necessary provision in their byelaws for the control of traffic; and the Government have the power to approve those bye-laws or to change those bye-laws. Even assuming that the provisions are necessary, statutes are insufficient. I want to know why the Government wants to have power to control entry into public places. I could understand the anxiety of the Government to take power to regulate traffic in Cities and Towns, but I cannot understand the anxiety of the Government to take power to regulate entry into public places. I will just read clause 3 of the Bill, Sir.

"3. The State Government may, after previous publication, make rules to provide—

(a) for the regulation of the use of any public place and the closing thereof or parts thereof; and

(b) for the regulation of all kinds of traffic in any public place or its reservation for particular kinds of traffic."

I do not think that, the Government are anxious or they really want to have this provision. The next provision is about the regulation of all kinds of traffic in any public place. I have no objection for regulating any particular kind of traffic. But giving them power to control the use of public place, I am certainly opposed to it, Sir. The majority party may even prohibit the making use of those public places.

4 P.M.

Already we are working under a hardship and they are imposing additional restrictions on us. We do not like to have it in all the municipalities and in all the public places in the State. Secondly, this morning we congratulated the Government for having revised the State Laws and in respect of all the laws where the power of issuing a notification or rule making power was vested with the Government, the Select Committee recommended and this House passed a provision that such rules shall be placed before the House and shall be subject to the amendments that this House may make. I do not know why the

Government are not anxious to include this provision in this Bill. In this Bill we empower the Government to make rules. Why should the Government fight shy of placing them before the House? When any rules or notification issued by Government with reference to other Acts are placed before this House for scrutiny and the Government accepts any amendments thereof, I do not know why they have not made this provision in this Bill. It is very necessary. We cannot place such a wide power with the Government without power of control by the Legislature. Therefore, I feel that with those two provisions included in the Bill, we may be in a position to consider this Bill. I also intend to move amendments in respect of these suggestions and I will take them up at the proper time.

Mr. SPEAKER.—Not in respect of clause 3. Your amendments are only in respect of Clauses 2 and 4.

Sri S. SRINIVASA IYENGAR.—There seems to be a mistake with regard to Clause Number. My amendment is in respect of Clause 3 and not in regard to Clause 4.

Mr. SPEAKER.—We shall see about it at the time of taking up the amendment.

Sri H. SIDDAVEERAPPA.—My Hon'ble friend appears to read more than what is necessarily contained in Clause 3. I may assure him that it is not our intention to regulate the use of any public place to the detriment of the exercise of any civil rights of any citi ens in this country. It is only for purposes of regulating traffic and nothing else. For instance, a high dignitary comes to Bangalore. If he has to move in a particular area, for some time, at least for about 10 or 15 minutes, we have to close the traffic in a particular place.

Mr. SPEAKER.—The assurance he wants is that it will not be misused for other purposes.

Sri H. SIDDAVEERAPPA.—If Government want powers for other purposes, there are various other means and Government are armed with many more powers. Here the simple provision is only for purposes of regulating traffic. I feel that my Hon'ble friend will be satisfied with the assurance that the purpose under Clause 3 (a) is only for regulating traffic in the interests of traffic in that area probably for an occasion.

Mr. SPEAKER.—If they make use of this provision of the Mysore Traffic Control Bill for other purposes, it may not be in accordance with the spirit of this Bill.

* Sri T. MARIAPPA(Mysore City—North).—'Other purposes' is a very vague term. They will introduce a very dangerous principle if they merely say that it is not made use of for other purposes. There are occasions when perhaps a local official will certainly make use of it. Therefore, let it be said that the closure of any traffic will not be made use of whenever Ministers go to attend functions, because there are instances where such a criticism has been made in the press.

Sri H. SIDDAVEERAPPA.—I may assure the House that so far as the regulation required under this Act is concerned it is only for purposes of controlling traffic and nothing else.

> "The Mysore Traffic Control Bill, 1955.
>
> "A Bill to provide for the control of traffic in public places in the State of Mysore."

Sri T. MARIAPPA.—We will certainly find fault if the traffic is closed even for five minutes whenever a Minister goes to attend a function. Particularly, a popular Minister should never invoke this provision under the guise of regulating traffic. It ill accords with the constitutional position that the Ministers occupy to-day.

Mr. SPEAKER.—If this provision is made use of for that purpose, there is the Legislature to take care of it.

Sri H. SIDDAVEERAPPA.—The power under Clause 3 (a) probably will be used in very extraordinary and very limited circumstances that may arise, very rarely too. I may give one instance. Tomorrow a very high dignitary comes to Bangalore.

Sri T. MARIAPPA.—On such an occasion it is but right to make use of

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this provision for the purpose of regulating traffic for a brief period. Nobody would quarrel with that. But the question is whether it would be invoked under other circumstances.

SRI H. SIDDAVEERAPPA.—There will be no other circumstances, except very extraordinary circumstances. I will make the position again clear—I repeat it. This regulation is necessary (i) only for purposes of regulating traffic, (ii) only under very extraordinary circumstances as I have already instanced, say, the visit of a high dignitary to this country and occasions ike that.

Now with regard to rule making power under Clause 4, my friend expressed a genuine desire that the rules framed would have to be placed on the floor of this House. I am quite aware that if Government gets any delegated power of legislation it is up to it to place all the rules on the Table of the House as early as possible. There is a general provision to that extent, I believe, in our Rules of Business also. I cannot escape from it and I may assure the House that, so far as these rules are concerned, they are very important ones. They will be placed on the floor of the Legislature at the earliest possible time.

SRI S. SRINIVASA IYENGAR (T. Narasipur).—There again we get a catch—"important ones". My submission is that all rules framed by the Government should be placed on the Table of the House. This House has accepted that principle just this morning.

SRI H. SIDDAVEERAPPA.—I am prepared to concede that rules framed under this Act will be placed on the Table of the House.

SRI S. SRINIVASA IYENGAR.—And subject to modifications. . . .

SRI H. SIDDAVEERAPPA.—Rules will be framed. After the Rules are passed, they will be placed on the Table of the House and if this House suggests any changes or modifications, I am bound to accept them. Where is any doubt about it ? It is a well known provision. Why do you want to make it more specific ?

MR. SPEAKER.—The question is :

"That the Mysore Traffic Control Bill, 1955 be taken into consideration."

The Motion was adopted.

MR. SPEAKER.—Clause 2.

SRI S. SRINIVASA IYENGAR.—Sir, I beg to move the following amendment to Clause 2 :

"For the words 'to which the public are granted access or over which they have a right to pass the words 'over which the public have a right to pass' shall be substituted."

In the Mysore Traffic Control Bill, 1955, Clause 2 definition reads as follows :—

"In this Act, 'public place' means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass, and includes . . . ."

The public place mentioned in the various enactments.

My amendment is this. As the Government have provided in Clause 3 of the Bill in part (a) for the regulation of the use of any public place and the closing thereof or parts thereof and as 'public place' is defined as just now stated in the Definition clause, I feel that the Government are anxious to have power to prevent even access to a public place. Therefore, my intention is, if the definition is amended in such a manner as to define 'public place' as one over which they have a right to pass, I have no quarrel. It is for that purpose I have introduced this amendment. I think the amendment is quite reasonable and the House is quite impressed about its necessity. I believe the Government have no objection in accepting the amendment.

MR. SPEAKER.—Amendment moved :

"For the words 'to which the public are granted access or over which they have a right to pass'

the words 'over which the public have a right to pass' shall be substituted."

* ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ಸಾಗರ—ಹೊಸನಗರ).—ಸ್ಯಾಮಿ, ಈ ಮಸೂದೆಯಲ್ಲಿ ಸರ್ಕಾರದವರು ಕೇಳಿರತಕ್ಕ ಅಧಿಕಾರ, ಯಾವುದೇ ಒಂದು ಸಾರ್ವಜನಿಕ ಸ್ಥಳಕ್ಕೆ ಪ್ರವೇಶ ಮಾಡಬೇಕಾದರೆ ಅದನ್ನು restrict ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಇರಬೇಕೆಂದು ಕೇಳಿರುತ್ತಾರೆ. ಈಗಾಗಲೇ ನಮ್ಮ ಕಡೆ ಅನುಭವಕ್ಕೆ ಕೆಲವು ವಿಷಯಗಳು ಬಂದಿವೆ. ನಾವು ಹಿಂದೆ loud-speaker ಮತ್ತು mikeನ್ನು ಉಪಯೋಗಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು ಕಾನೂನನ್ನು ಮಾಡಿದ್ದೇವೆ. ಆಗ ನಮ್ಮ ದೃಷ್ಟಿಯಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ಹೋಟಲುಗಳಲ್ಲಿ ಮತ್ತು ಮನೆಗಳಲ್ಲಿ ಇತರ ಜನರಿಗೆ ತುಂಬ ಅನಾನುಕೂಲವಾಗುವ ರೀತಿಯಲ್ಲಿ ರಾತ್ರಿ ಹಗಲು loud-speaker ಗಳನ್ನು ಹಾಕಿ ಕೊಂಡು ಗಲಾಟೆ ಮಾಡುವುದರಿಂದ ಅದನ್ನು ತಡೆಯುವುದಕ್ಕೆ ಕಾನೂನು ಮಾಡಬೇಕೆಂದು ಮಸೂದೆಯನ್ನು ಪಾಸ್ ಮಾಡಿದೆವು. ನನಗೆ ನೆನಪು ಇರುವ ಹಾಗೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಸಾಮಾನ್ಯವಾಗಿ ಕಾನೂನನ್ನು ದುರುಪಯೋಗ ಪಡಿಸುವುದಿಲ್ಲ ಎಂದು ಆಶ್ವಾಸನ ಕೊಟ್ಟಿದ್ದರು. ಈಗ ನನ್ನ ಅನುಭವಕ್ಕೆ ಬಂದಂತೆ, ಸಾರ್ವಜನಿಕ ಸಭೆ ಮಾಡಲು mike ಗೆ licence ಕೊಡಿ ಎಂದು ಕೇಳಿದಾಗ ಲೈಸನ್ಸ್‌ಕೊಡತಕ್ಕ ಅಧಿಕಾರಿಗಳು ಸತ್ಯನಾರಾಯಣ ವ್ರತಕ್ಕೆ ಹೋಗಿದ್ದರು. ನಾವು ನೂರಾರು ರೂಪಾಯಿಗಳನ್ನು ಖರ್ಚುಮಾಡಿ ಸಾರ್ವಜನಿಕ ಸಭೆಯನ್ನು ಏರ್ಪಾಡುಮಾಡಿ ದೊಡ್ಡವರು ಪರಸ್ಥಳದಿಂದ ಬಂದಿರುವಾಗ ಕೊನೆಗೆ mikeಗೆ ಲೈಸನ್ಸ್ ಕೊಡುವುದಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತಾರೆ. Inspectorನ್ನು ಕೇಳಿದರೆ A. S. P. ಯನ್ನು ಕೇಳಿ ಎನ್ನುತ್ತಾರೆ. A.S.P. ಯನ್ನು ಕೇಳಿದರೆ D.S.P. ಯನ್ನು ಕೇಳಿ ಎಂದು ಈ ರೀತಿ ತೊಂದರೆಗಳನ್ನು ಕೊಡುತ್ತಿದ್ದಾರೆ. ಇನ್ನು Public places ವಿಷಯ ಹೇಳಬೇಕೆಂದರೆ, ಈಚೆಗೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಎರಡು ಮೂರು ಕಡೆಗಳಲ್ಲಿ ಸಭೆ ಮಾಡಬೇಕೆಂದು ಹೊರಟೆವು. ಚಿಕ್ಕಲಾಲ್‌ಬಾಗಿಗೆ ಹೋದರೆ garden ಮಾಡುತ್ತಿದ್ದೇವೆ ಎಂದು ಹೇಳಿದರು. ಬನಪ್ಪ ಪಾರ್ಕಿನಲ್ಲಿ ಆಸ್ಪತ್ರೆ ಹತ್ತಿರದಲ್ಲಿದೆ ಎಂದು ಹೇಳಿದರು. ಇನ್ನು ಉಳಿದಿರುವುದು ಧರ್ಮಾಂಬುಧಿ ಕೆರೆ ಮೈದಾನ. ಅಲ್ಲಿಗೆ ಸಾಮಾನ್ಯವಾಗಿ ಸಣ್ಣವರು ಹೋಗುವುದೇ ಇಲ್ಲ. ಬಲಾತ್ಕಾರದಿಂದ ಜನರನ್ನು ಎಳೆದುಕೊಂಡು ಹೋಗಬೇಕು. ಅಂತಹ ಸಂದರ್ಭದಲ್ಲಿ traffic ಎಂದು ಹೇಳುತ್ತಾರೆ. ನಾನು ನಡೆದುಕೊಂಡು ಹೋಗುವುದೂ traffic ಆಗುತ್ತದೆ. ಈ ಸಭೆಯನ್ನು ಮಾಡಬಾರದು ಎಂದರೆ ಅವರ ಕೈಗೆ ಒಳ್ಳೆಯ ಅವಕಾಶ ಕೊಟ್ಟಂತಾಗುತ್ತದೆ. ಕೆಲವು ಕಡೆ 'No entry' ಎಂದು ಬೋರ್ಡ್‌ಹಾಕಿದ್ದಾರೆ. ಇಂತಹ ಕಡೆ thoroughfare ಇಲ್ಲ ಎಂದು ಈಗಾಗಲೇ Municipal Act ಅಥವಾ ಪೋಲೀಸ್ ಆಕ್ಟಿನ ಮೂಲಕ ಬೇಕಾದಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶಗಳು ಇದ್ದೇಇವೆ. ಕಾನೂನನ್ನು uniform ಮಾಡುತ್ತೇವೆ ಎಂಬ ನೆಪದಲ್ಲಿ ಸರ್ಕಾರದವರು ಇಂತಹ ಸ್ಥಳಗಳನ್ನು ಪೂರ್ಣವಾಗಿ ವಶಪಡಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಸರ್ಕಾರದವರಿಗೆ ಈ ಮಸೂದೆಯನ್ನು ತರುವಾಗ ಈ ರೀತಿ ಸಭೆಗಳನ್ನು ತಡೆಯಬೇಕು, ಅಂತಹ ಸ್ಥಳಕ್ಕೆ ಯಾರೂ ಹೋಗದೆ ಇರುವ ಹಾಗೆ ಮಾಡಬೇಕು, ಎನ್ನುವ ಉದ್ದೇಶ ಇಲ್ಲದಿದ್ದರೂ, ಪರಿಣಾಮದಲ್ಲಿ ಈ ರೀತಿಯಾಗಬಹುದು ಎಂದು ನನಗೆ ಭಯವಿದೆ. ಅದಕ್ಕೋಸ್ಕರ ಶ್ರೀ ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್‌ರವರು ಹೇಳಿರತಕ್ಕ ತಿದ್ದುಪಡಿಯನ್ನು ಸರ್ಕಾರದವರು ಒಪ್ಪಿಕೊಂಡರೆ, ಸ್ವಲ್ಪ ಭಾಗ ಅವರ ಅಧಿಕಾರವನ್ನು restrict ಮಾಡಿದ ಹಾಗಾಗುತ್ತದೆ. ಅವರ ತಿದ್ದುಪಡಿಯೂ ನಾನು ಇಷ್ಟಪಡುವ ರೀತಿಯಲ್ಲಿ ಇಲ್ಲ. (a) ಮತ್ತು (b) clause ಗಳನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಬರೆಯಬೇಕು. ಈಗಿರುವ ಮಸೂದೆಯನ್ನು ನಾವು ಒಪ್ಪಿಕೊಂಡರೆ ಸಾರ್ವಜನಿಕ ಸಭೆಗಳನ್ನು ತಡೆಯುವುದಕ್ಕೆ ನಾವು ಒಪ್ಪಿಗೆ ಕೊಟ್ಟಂತಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಂಡು ತಿದ್ದುಪಡಿ ಮಾಡುತ್ತೀರೆಂದು ಆಶಿಸುತ್ತೇನೆ.

Sri H. SIDDAVEERAPPA.—Sir, I have watched with interest the discussion raised when this amendment was moved. One thing I am not able to pursue is as to how on earth my friends should think that the provisions apparently simple and innocuous and meant only for the purpose of regulating traffic could be made use of for purposes other than those specified in this Bill. Sir, it can be seen that the preamble to the Act makes it very clear. It is stated that we want this provision to control all traffic in a public place. Nothing more than that. How, on account of that provision, we can effectively control meetings being held and all that, I do not know. I am not able to follow the reasoning or the logic of my learned friends so far as that position is concerned. My friend Sri Gopala Gowda stated that the power regarding control of loud-speakers has been misused. I have yet to learn even one instance where licence has been refused on political or other grounds. To give one proof, we had such a meeting just three or four days back in Mysore and we did not try to throttle it or try to see that those meetings were not held.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಒಂದು point ಬಿಟ್ಟಿದ್ದೆ. ಈಚೆಗೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ Mike Propaganda ಮಾಡಲು ಲೈಸೆನ್ಸ್ ಕೇಳಿದಾಗ ಕೊನೆಗೂ ಕೊಡಲಿಲ್ಲ. Magistrateರ ವರೆಗೂ ಹೋಗಿದ್ದಾಯಿತು. ಅವರು ಊರಿನಲ್ಲಿ ಇಲ್ಲ ಎಂದು ಹೇಳಿದರು. ನಮ್ಮ ಹುಡುಗರು ಕೇಳಿದರೆ 'ನೀವು ಸರ್ಕಾರ ಬ್ಯೈಯ್ಯುತ್ತೀರಿ ಏನಕ್ಕೆ ಕೊಡಬೇಕು' ಎಂದು ಹೇಳುವ ಸಂದರ್ಭವಿದೆ. ಇದರಿಂದ ಅವರು ಯಾವ ರೀತಿ ವಿರೋಧ ಪಕ್ಷವನ್ನು ನೋಡುತ್ತಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ ಇಂತಹ ಸಣ್ಣ ಉದಾಹರಣೆಗಳೇ ಸಾಕು. By this legislation, they can successfully stop our activities.

Sri H. SIDDAVEERAPPA.—I may assure the Hon'ble Members that they

(SRI H. SIDDAVEERAPPA.)

may not have any doubt of *bona fides* in this matter so far as legitimate things are concerned. We will uniformly view it. Coming to the amendment proper, what is suggested in this amendment is that for the words 'to which the public are granted access or over which they have a right to pass' the words 'over which the public have a right to pass' shall be substituted. My friend might have seen the original clause. You will kindly see the original clause where it is stated:

> "In this Act, 'Public place' means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass."

You did not say 'delete'. But you say 'substitute the words'. But the words 'over which the public have a right to pass' are already there.

SRI S. SRINIVASA IYENGAR.—I have written there the entire sentence and I have stated that part of it may be retained.

SRI H. SIDDAVEERAPPA.—You have said "for the words" to which the public are granted access or over which they have a right to pass' the words 'over which the public have a right to pass' shall be substituted. You have not stated 're-write the whole clause'. You have only said 'substitute the words'. But those words are already there. In other words if I accept your amendment it has the effect of curtailing or removing away one part and leaving away the other part in it. There are places where public are granted access. Supposing there is a place which is a private man's property and we allow a public meeting to be held. The moment it becomes a public place, traffic control becomes necessary. Even in these places, we must have power to regulate and control traffic. It need not necessarily be that meetings are held only in places which are open to public as a matter of right.

SRI S. SRINIVASA IYENGAR.—The Hon ble Minister wanted this Bill for control of traffic and not for entry into a public place.

MR. SPEAKER.—Suppose a public meeting is held in a private place and the public have to go there.

A MEMBER.—People may have no right to pass in that private place and therefore the traffic rules cannot be applied.

MR. SPEAKER.—Traffic regulation is applied outside the public place.

SRI K. PATTABHIRAMAN (Kolar).—I wish to have a clarification, for, after hearing the Minister, I entertain a little doubt. The illustration given by the Hon ble Minister, has raised this difficulty in my mind. Suppose in a private place the private proprietor allows a public meeting to take place. The control of the traffic could be done in a thoroughfare or approaches leading on to the private place. Within the private place, how can the Government get the right to control the traffic? I want to understand the position. With regard to the power to control traffic in a public thoroughfare over which the Government have certain control, it is a separate question. But they can ask the House to grant powers such as to control traffic in the thoroughfares and approaches leading to the private place. But whether you can get into the private place and control the traffic is the question. If I have followed Sri Srinivasa Iyengar aright, his first difficulty appears to be like this. If you really mean that the traffic arrangements must necessarily be controlled on an important occasion, if the traffic can be controlled legitimately and appropriately, then why do you say free access or entry into the meeting place also must be controlled? Is there not any apparent contradiction, I would like to be enlightened. So far as traffic control round about the approach is concerned, I can understand. There is apparent contradiction. I want this to be clarified.

* SRI A. BHEEMAPPA NAIK (Molakalmuru).—I really did not follow my friend Sri Pattabhiraman when he said that permission to hold public meetings in a private place may be granted but yet the Government should not be given

powers to control the meeting. When once you concede permission to hold a public meeting in that place, and if a meeting is held in that place and the traffic rushes on, how do you say that the Government or any authority cannot have a right to control such a thing? If, as my friend says, only within the approaches the Government were to guard and leave other things for themselves to manage, supposing something untoward happened within the precincts of the private place, what should we do? Have not the Government got the right or authority or have not the Police got the right to prevent that?

Sri M. LINGANNA (Nanjangud).—I rise to a point of order. Now we are in the midst of being replied to by the Minister to the discussion on the amendment moved by my Hon'ble friend Sri Srinivasa Iyengar. A clarification was sought for by my Hon'ble friend Sri Pattabhiraman. Now, the obligation lies in the hands of the Home Minister who should either reply or clarify the issue raised by my learned friend Sri Pattabhiraman. But my Hon'ble friend Sri Bheemappa Naik is answering on behalf of the Home Minister. I rather welcome him to the place in which the Hon'ble Home Minister is sitting now, but unfortunately he has usurped his place now. I am for promoting healthy precedents. Let them not drag us into wrong paths of parliamentary procedure. So, Sri Bheemappa Naik has no right to get the matter clarified in relation to the doubts that have been put forward by my learned friend Sri Pattabhiraman. If at all any member is there who can clarify the issue, it is that Hon'ble Member who is responsible for the motion or who is responsible for any statement. Granting that Sri Bheemappa Naik has made a statement on which another member has asked for clarification, then he has a right to clarify. Now, the right accrues to the Home Minister. So, if at all any doubt arises, we have to get clarification from the Home Minister. I therefore submit that any member other than the Home Minister cannot clarify the points and the usurpation of the right of one member by another is not good parliamentary precedent. Therefore, I submit that Sri Bheemappa Naik's explanation or clarification is out of order.

Mr. SPEAKER.—The point of order is quite allright.

Sri A. BHEEMAPPA NAIK.—I have certain doubts and I want the Home Minister to answer them. Just as they had one after another the right to speak, on this side also, I have a right to ask for clarifications for certain doubts. I am also putting my point of view.

Mr. SPEAKER.—I have understood both. Every Member has a right to ask a member moving an amendment to explain and clarify the position. Here, this is not so. The Hon'ble Member is requesting the Hon'ble Minister to clarify the position. There cannot be further clarification on the clarification. You can ask the Minister himself whether this is correct or so.

Sri A. BHEEMAPPA NAIK,—I am not particularly addressing him. I am addressing one and all. The Minister must know my point of view also, so that he can clarify the position.

Mr. SPEAKER.—It is not so. You can ask the Minister afterwards.

4-30 P.M.

Sri H. SIDDAVEERAPPA.—I am coming to the point raised by my Hon'ble friend Sri K. Pattabhiraman. There seems to be need for a little more understanding of the problem. He seems to indicate that in places where public meetings are held which are not public but are really private property, the Police have no right to control traffic. That is why I clearly stated in this definition—the definition is all the more important—what is a public place. In this Act power is given or proposed to be given to Government to control traffic in a public place. What is a public place has been clearly defined here. It is made fairly exhaustive. "A public place means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass" and includes other definitions,

(SRI H. SIDDAVEERAPPA.)

Let us understand what a public place is. What is a road? Road according to Webster applies generally to highways, and as a generic term includes highways, streets, and lanes. Broadly speaking, that is the definition of 'Road'. The word 'Road' is often defined to include public bridges, and is equivalent to the words 'County Ways, County Road, Common Road, and State Road. It includes all these things. What is a street? A street is a general term including all urban ways which can be, and are generally, used for the ordinary purposes of travel. A street is a way upon land, more properly a paved way, lined, or proposed to be lined by houses on each side. Then a path. What is a path? Path has been defined as foot way especially one merely beaten by feet not specially constructed; track laid for foot or cycle racing. Thus according to this definition what is meant by a public place? It includes road, street, way or other places. Please mark the word 'other place whether a thoroughfare or not'. It need not be a thoroughfare. It arises this way, *i.e.*, regulation and control of traffic arises in places which are thoroughfares and also under certain circumstances in places other than thoroughfares to which the public are granted access. For instance my friend Sri Srinivasa Iyengar may hold a meeting in T.-Narsipur in one of his lands. He allows us to have his place. People in thousands and lakhs gather. Then if people go there and if there is to be a traffic jam, we are bound to control the traffic. The meeting place may be about a mile away from your place. Supposing the meeting is held five or six miles away and people have to go through three miles in your land in order to go to that place, should there be no control over traffic during that distance? The Police can to that extent get protected. We do not use force. Wherever a place is allowed to be made use of for purposes of a public meeting, either it is a thoroughfare or a highway or wherever it is, it is only there the Police will be in control of traffic in the public interests and not for any other purpose. You may kindly see the preamble. It is exhaustive and clear. We want to have power to control traffic in public places. Therefore, if on an occasion like this Government have no power, we cannot do anything in the matter. We come into the picture only where it is converted as a public place where it is necessary to control traffic. Supposing there is no need to control traffic, we do not get in there. It is for the purpose of controlling traffic. . . .

Sri S. SRINIVASA IYENGAR.—The Hon'ble Minister was pleased to state that in places which are called public places, Government have got the power. But just because people have got an access, it does not mean it is a public place.

Sri H. SIDDAVEERAPPA.—I therefore feel, Sir, that in order to make the law as exhaustive as possible, this saving clause is necessary. I feel that the amendment tabled by my learned friend Sri Srinivasa Iyengar need not be pressed. Let us see the law in its actual working. When rules are framed, I will place the same before you. If there is any difficulty, I will get it suitably amended. Government have got the power to frame rules. When rules are framed, if there is any difficulty, I will see what I can do in the matter. With these few words, I hope my friend Sri Srinivasa Iyengar will not press his amendment.

Sri S. SRINIVASA IYENGAR.—I press the amendment, Sir.

Mr. SPEAKER.—The question is:

'For the words "to which the public are granted access or over which they have a right to pass" the words "over which the public have a right to pass" shall be substituted.'

The motion was negatived.

Mr. SPEAKER.—The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. SPEAKER.—Clause 3.

Sri Mulka GOVINDA REDDY (Chitaldrug).—Sir, I would like to offer some remarks regarding clause 3.

"3. Power of State Government to make rules for the control of traffic.—The State Government may, after previous publication, make rules to provide—

(*a*) for the regulation of the use of any public place and the closing thereof or parts thereof ; and

(*b*) for the regulation of all kinds of traffic in any public place or its reservation for particular kinds of traffic."

Some members who have preceded have already hinted how this power in certain cases is being misused. I have to quote certain instances where certain places were closed for public traffic for an unduly long time causing inconvenience to the public. The Hon'ble Home Minister was telling a few minutes back that when a high dignitary comes to visit important places like Bangalore or Mysore they will be obliged to control traffic and close the roads.

Sri H. SIDDAVEERAPPA.—Temporarily.

*Sri Mulka GOVINDA REDDY.—Temporarily. While doing so, I fail to understand why traffic should be closed for an unduly long time. I can understand if the traffic is closed for about five minutes just before the so called high dignitary comes there, just before he arrives in that particular route or road. On the other hand, for hours together these roads will be closed for traffic, so much so that inconvenience will be caused to the public thereby, I may quote an instance which is in my personal experience. In 1951, the Rajpramukh of Mysore visited Chitaldrug. He was passing through one of the roads where I had to go to catch the railway train to attend the court summons. I was one of the accused in the Kagod case in Sagar ; I had to catch the mail train in time. But I was prevented as the road was closed and I could not catch the train. It was quite unnecessary that for such an unduly long time the traffic was closed. If the traffic had been closed just five minutes before the high dignitary passed through that road, nothing would have happened.

I will quote another instance to show how these powers are misused. Every day we are coming to the Legislative Assembly in the Government bus. Whereas the Ministers' cars are allowed to park just in front of the Assembly, our driver is prevented and he is not allowed to park in front of the Assembly. We are not allowed to get down from the bus before the Assembly. We are ashamed to make these things known—how, many a time, the Police man misuses his power. Again, Sir, if we go to the Exhibition, whenever we go there in a tonga, the tonga is not allowed to pass through that particular road. I do not understand why, when the road is not closed for traffic, a tonga should not be allowed to pass through that road. These are the incidents I want to bring to the notice of the Government to show how the ordinary police constable, who will be in charge of implementing these rules or powers, which the Government want to enforce, is misusing the powers; and, the Government do not appear to correct such malpractices. I would like to raise a fundamental question. I really cannot understand why traffic should be closed if a high dignitary passes through a particular road. He should be considered as a human being and he should not have more rights than any other human being.

Mr. SPEAKER.—In the foreign countries you will find this provision.

Sri Mulka GOVINDA REDDY.—We would like to set an example to other countries. If it is found in Foreign Countries, it need not necessarily be followed up here.

Sri H. SIDDAVEERAPPA.—My friend always used to quote the example of other countries for all things.

Sri Mulka GOVINDA REDDY.—We want to be an ideal for other countries. India is trying to set an example to other countries.

Sri H. SIDDAVEERAPPA.—The High Dignitaries never want it for themselves. It is in the interests of

(SRI H SIDDAVEERAPPA.)

the public who gather there—not only in thousands, but in lakhs, and it is proposed for the preservation of those people and not in the interest of the High Dignitaries.

Sri Mulka GOVINDA REDDY.—The Prime Minister might be called a High Dignitary when he visits Bangalore. But when the Chief Minister along with his colleagues visits Ramanagaram for a Civic Address, he will also be called as High Dignitary and the road will be closed for traffic. Such things should not happen, Sir. I understand that when Churchill in England passes through roads, the traffic will not be closed. Formerly, this practice was prevalent in Hyderabad; when the Nizam used to pass through those roads, those roads used to be closed completely for an hour or two thereby dislocating the traffic and causing inconvenience. Should the Government keep such things on the Statute?

Sri H. SIDDAVEERAPPA.—This will be done not for purposes of honouring them; but, for the effective control of traffic, we should have such a provision.

Sri Mulka GOVINDA REDDY.—Interpretation can be given to anything, Sir. I therefore want to bring to the notice of Government that such things in Mysore should not be allowed.

Sri H. SIDDAVEERAPPA.—I am really sorry, my friend has tried to read more than what the Bill contains. If these measures are taken, they will be taken more for personal security rather than anything else. We cannot forget it. My friend quoted an instance of his own experience in a particular year. Sometimes it might happen due to some ignorance of somebody or a particular policeman might have done it. But I am sure no traffic will be closed for an unduly long time. Even very recently when the Prime Minister visited Bangalore, they had published in the papers that the absolute minimum time required was not more than five minutes or so. Either way the traffic was regulated. I may assure the Hon'ble Member, that these things will be taken note of while framing the rules; and probably provisions will be made as to the minimum time required for purposes of regulating, closing and all these things.

It was also urged very vehemently by Sri Mulka Govinda Reddy that these powers are likely to be misused. I may assure him, I have not got any such intention. My purpose is only for making provisions for effective control of traffic and nothing else. I therefore feel the clause, as it is, may stand.

Mr. SPEAKER.—The question is:

"That Clause 3 of the Bill stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. SPEAKER.—Clause 4.

*Sri S. SRINIVASA IYENGAR.—Sir, I beg to move the following amendment to clause 4.—

"Clause 4 shall be renumbered as sub-clause (1) and the following shall be added as sub-clause (2):—

'Notwithstanding anything contained in sub-section (1), every rule made under Section (3) shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of one month which may be comprised in one session or in two or more sessions and if before the expiry of the said period either House of the State Legislature makes any modifications in the said rule or directs that the rules shall not have effect and if the modification or the direction is agreed to by the other House, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be."

Sir, under clause 3 which has just now been passed, the State Government have been given power to make rules. On many occasions, it has been pressed before the Government that even the rules framed by Government under the rule making power, the rules so made should be placed before this House and

modifications if proposed by this House should be given effect to. The Government agreed to this principle long back. They have also made provisions to give effect to their assurances in various Bills. The latest Bill where such a provision has been made, is the Bill for the Revision of State Laws and which has been passed just this morning. I do not know why the Government have not made such a provision in this Bill. That is why I have said or I have laid down the procedure for laying those rules for a period of one month. I may place before this House one of the incidents that took place in some other Legislature. The rule made by the Government was placed before the Legislature and the session concluded one or two days after placing of the rule, and the Government felt that they need not place in the subsequent sessions. Because they had introduced the rule just one or two days before the closure of the session and felt that they have satisfied the condition of laying the rule before the session, the members of the legislature had not the necessary time to discuss or suggest amendments even though the condition was there, that it should be placed before the House. That was the argument of the Government. Therefore such things need not occur here. I have stated that the rules shall be placed on the table for a period of 30 days before the Houses of Legislature, because the necessary time for studying rules and suggesting modifications should be allowed.

Sir, my amendment is in accordance with the assurances given by the Government and accepted by this House and included in almost all the Bills that have been placed before this House. I think the Government will have no trouble in accepting my amendment. I do not think that the Government will feel shy to accept this because it comes from the Member of the Opposition. I have suggested just to draw the attention of the House as to what is being done in other Legislatures.

Mr. SPEAKER.—Amendment moved:

"Clause 4 shall be renumbered as sub-clause (1) and the following shall be added as sub-clause (2):—

'Notwithstanding anything contained in sub-section (1), every rule made under Section (3) shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of one month which may be comprised in one session or in two or more sessions and if before the expiry of the said period either House of the State Legislature makes any modifications in the said rule or directs that the rules shall not have effect and if the modification or the direction is agreed to by the other House, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be'."

Sri H. SIDDAVEERAPPA.—Sir, I find undue suspicion expressed about these rules being framed by the Government by my Hon'ble friend. I think when these rules are placed on the Table of the House, if any Hon'ble Member feels that any rule is repugnant to the provision of this Act or is unduly oppressive or requires to be modified, even now, subject to correction, I feel they have a right to bring it to the notice of this House. Quite apart from it, when fresh specific provisions are being made here, they are bound to place the rules as soon as they are framed before this House. There is no doubt about it. When those rules are placed on the Table of the House, nothing prevents the Hon'ble Members from suggesting any modifications to those rules.

Sri S. SRINIVASA IYENGAR.—Certainly, it does not prevent any member from suggesting any modifications. But what I meant was, instead of their oral promises being made here, why should they not make a provision in the Bill itself. In fact in the Cinemas (Regulation) Bill,—the Hon'ble Home Minister holds the portfolio—which was passed just this morning, he has accepted an amendment of the very same nature.

Sri H. SIDDAVEERAPPA.—My intention is also the same as that of the Hon'ble Member, namely, whatever rules are framed under this Act, they will have to be placed before this House and if the House finds that any rule is repugnant, the members could suggest amendments.

Sri S. SRINIVASA IYENGAR.—So far no provision has been made in the Bills, except that the Minister concerned is making oral promises.

Sri H. SIDDAVEERAPPA.—Our Rules of Business in the Assembly provide for placing a copy of rules framed by the Government. If really it is the intention of the Hon'ble Member that this provision should find a place in the Act itself, I have no objection. But what I feel is, it requires to be rewritten and redrafted, because it contains so many conditions, reservations and what not. For my purpose and to his purpose, probably he may rest content that there is a provision here that as soon as these rules are passed or framed, they may be placed at the earliest possible moment before the Legislature, and the Legislature certainly will be seized of it and they will have power to look into it and pass such orders or give such directions as they please. I therefore, feel that there is no need for this clause, namely,

> ". . . . for a total period of one month which may be comprised in one session or in two or more sessions and if before the expiry of the said period either House of the State Legislature makes any modifications in the said rules or directs that the rules shall not have effect and if the modification or the direction is agreed to by the other House, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be."

It may be sufficient if it is a simple clause like this:

> " Notwithstanding anything contained in sub-section (1), every rule made under section (3) shall be laid as soon as may be after it is made before each House of the State Legislature."

If it is confined to the above words, it is more than sufficient. The House will certainly be seized of the power. If my friend gives up all the other words, I am prepared to accept his amendment.

Sri S. SRINIVASA IYENGAR.—I owe a duty to this House, Sir. The drafting of the amendment is not my own. What the Hon'ble Minister has drafted in the Mysore Cinemas (Regulation) Act 1952, I have taken that sub-section as it is and simply moved it as an amendment. The drafting is not mine, I am not the author. What the Hon'ble Minister himself has placed before this House for acceptance in sub-section (2) of section 10 of the Mysore Cinemas (Regulation) Act, 1952 passed by this House this morning, I have introduced it here. I will read it for the benefit of this House, how that sub-section (2) as moved by the Hon'ble Minister reads. It reads as follows.—

Sri H. SIDDAVEERAPPA.—I cannot understand where is the analogy about it.

Sri S. SRINIVASA IYENGAR.—I will just read sub-section (2) of Section 10 of the Mysore Cinemas (Regulation) Act, 1952. Please keep my amendment before you and verify whether I have deviated from your draft.

> " Every order under sub-section (1) shall be laid as may be after it is made before each House of the State Legislature while it is in session for a total period of one month which may be comprised in one session or in two or more sessions and if before the expiry of the said period either House of the State Legislature makes any modifications in the said rule or directs that the rules shall not have effect and if the modification or the direction is agreed to by the other House, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be."

Here also I wanted to see that a similar clause was introduced in this Bill.

This is the form which the Government have accepted.

Mr. SPEAKER.—Legislation must be very brief and precise.

Sri S. SRINIVASA IYENGAR.—Is it the argument of the Hon'ble Minister that this provision is unnecessarily lengthy? That is the drafting of the Government and on the drafting of the Government I have introduced the same drafting in my amendment.

Sri H. SIDDAVEERAPPA.—Circumstances of the two cases are not similar.

Sri S. SRINIVASA IYENGAR.—I only want that the rules should be placed before the House for a specified period.

Sri H. SIDDAVEERAPPA.—Supposing the rules are passed this month, the Legislature meets in the month of November, I must place it before the Legislature in the month of November only. I cannot take it back. Therefore the moment the rules are placed before this House, the House gets seized of it. You need not refer to various other things.

Mr. SPEAKER.—Another objection was: suppose the rules are placed before the House just before the closure of the Session, what happens then?

Sri H. SIDDAVEERAPPA.—Nothing prevents any Hon'ble Member from making a request to ask that this matter may be taken up for discussion.

Sri S. SRINIVASA IYENGAR.—Why should these things be regulated by oral promises and assurances? Why not we make a statutory provision?

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Sri H. SIDDAVEERAPPA.—After all what can be put in the Rules of Procedure is sought to be put in the statute. In a statute we will not put all these details. I feel that it is sufficient. I agree with the general principles that rules as soon as they are passed, will have to be placed here. He wants a statutory recognition. Very well, it is an important measure. I am prepared to agree to it, but why do you think of having various details. Your object will be served if you confine yourself to few words.

Sri S. SRINIVASA IYENGAR.—I leave it to the Chair. It is up to the Chair to place it before the House in the form of an amendment.

Sri H. SIDDAVEERAPPA.—I am making a suggestion like this:

> "Clause 4 shall be re-numbered as sub-clause (1) and the following shall be added as sub-clause (2):
>
> "Notwithstanding anything contained in sub-section (1) every rule made under section 3 shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session."

I feel we may take it up tomorrow. I will also apply my mind. We will examine it in greater detail.

Mr. SPEAKER.—Yes. The House will now rise for the day and meet at 12 NOON tomorrow.

The House adjourned at Two Minutes past Five of the Clock to meet again on Friday, the 21st October 1955 at Twelve of the Clock.

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